

prior. One purpose of the Status Conference is to report on the progress the parties have made in negotiating ways to trim the Milestone Plan as directed by the Court during the November 21, 2002 hearing. Another purpose of the Status Conference is to apprise the Court of how the Division of Child and Family Services (DCFS) is performing as documented in recent qualitative case reviews, and to otherwise inform the Court of the status of the case.

I. Status of Items Defendants Were Ordered To Complete

As reported in Defendants' December 2003 Status Report, Defendants have completed all of the action items identified in the parties' *Stipulation to Enter Order to Enforce the Court's 1999 Remedial Order and Settlement Agreement* ("Stipulation").

II. Qualitative Case Reviews for 2004

Qualitative case reviews for four of the five DCFS regions have recently been completed. The qualitative case reviews evaluate the quality of actual case practice and measure how well DCFS is achieving practice consistent with the principles and standards in the Milestone Plan. The Child Welfare Policy and Practice Group and the Office of Services Review, Department of Human Services (OSR) have jointly prepared written reports on DCFS's Eastern and Western regions. OSR has compiled final data for the Southwest region and preliminary data for the Salt Lake region.

These latest scores from the qualitative case reviews, or QCRs, are significant because they give the most recent snapshot available of DCFS's practice and its compliance with the Milestone Plan. As the Monitor noted in his March 8, 2004 Annual Compliance Report, which was filed with the Court, "the case practice that is measured [in the annual reports] is almost a year old by the time the sample period is reviewed and the report prepared." Because of this, the

annual reports “do not reflect current practice.” (Annual Compliance Report, March 8, 2004 at 4.) The following data from the QCRs is more recent, reflecting case reviews that were conducted between September, 2003 and March 2004.

A. Child and Family Status Scores and System Performance Scores

The qualitative case reviews show that Child and Family Status scores remain high. This score is designed to measure how well the child and family are doing at the time the case is reviewed; the Milestone Plan requires a score of 85% for exit. The Eastern Region, which was reviewed from October 27-31, 2003, scored 100% on Child and Family Status. The Western Region, reviewed from September 15 through 19 of 2003, scored 91.7%, and the Southwest Region, reviewed from February 9 through 13, 2004, scored 95.7%. Preliminary data from the Salt Lake Region, reviewed in two periods, from December 8 through 12, 2003, and March 22 through 26, 2004, shows 90.1% for the Child and Family Status.

The System Performance scores, which measure how well the DCFS system is functioning for the child at the time of the case review, show improvement from last year. This improvement is significant because the cases reviewed do not reflect the effect of the 45 new caseworkers or the training that was completed in December, 2003. The Eastern Region overall System Performance score improved from 70.8% in the 2003 annual report, to 83.3% for the April 7, 2004 report. The Western Region improved from 70.8% in the 2003 report to 79.2% in the January 28, 2004 report. Southwest went up from 87.5% in the 2003 report to 91.3% for the cases reviewed in February 2004.

The Salt Lake Region, based on preliminary scores, showed the most dramatic improvement, up from 58.6% in the 2003 report to a score of 85.5% for cases reviewed in

December 2003 and March 2004. The improvement in the Salt Lake region is particularly noteworthy since, as tends to be true for child welfare systems nationwide, it is the most urban region and the scores have historically been the lowest in the state. As with the Child and Family Status scores, the Milestone Plan requires a score of 85% for exit. The System Performance score also requires, however, that certain key system scores rate at least 70%. (*See* Milestone Plan at 88-89.)

B. NCYL Participation In Qualitative Case Reviews

The parties agreed during recent negotiation sessions that it would benefit counsel for Plaintiffs to attend one of the qualitative case review sessions. Darryl Hamm and Katina Ancar of the National Center for Youth Law (NCYL) participated in case reviews, Mr. Hamm in the Southwest Region in February and Ms. Ancar in the Salt Lake Region in March. Counsel for NCYL may wish to report to the Court their observations during the case reviews.

III. Attorney Fees

The parties have settled upon a method for NCYL to submit attorney fees so that Defendants may in turn submit the fees to the State Legislature for inclusion in the state budget. In June, 2003 the parties stipulated that Defendants would pay \$234,507.76 for attorney fees to Plaintiffs' counsel for fees and costs for 2002. In April, 2004, Defendants paid Plaintiffs' counsel \$114,882.45 for fees and costs incurred from January 1, 2003 to August 31, 2003. These payment amounts represent Plaintiffs' attorney fees and costs only and do not include costs paid for the Monitor.

IV. Adjustments to the Milestone Plan


Pursuant to the *Stipulation*, the parties have met on several occasions to try and agree on

how to trim the Milestone Plan without undermining the effectiveness of Defendants' ability to protect Plaintiff children or the Monitor's ability to evaluate Defendants' compliance with the Milestone Plan. Because State Defendants were actively involved in evaluating, testifying, and drafting numerous bills directly impacting DCFS, and potentially the Milestone Plan, negotiations halted during the 2004 legislative session and did not begin again until March 2004.

The parties have been able to agree on several items in the Milestone Plan that should be modified or eliminated. However, the parties have been unable to reach a final agreement because of disagreement over proposed changes to case process review (CPR) measurements. The case process review measures DCFS compliance with practices that are required by DCFS rules. In contrast to the qualitative case review scores, which are based upon trained reviewers who make a professional assessment of the cases using a structured protocol, the CPR scores are based solely on documentation in the case file. The CPR scores have traditionally been the lowest.

Defendants anticipate that the parties will submit a stipulation on some items on or before the June 9, 2004 status conference.

DATED this 10th day of May, 2004.


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CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of May 2004, I caused to be served by electronic means and U.S. Mail, a true and correct copy of the foregoing **DEFENDANTS' MAY 2004 STATUS REPORT ON THE STIPULATION TO ENTER ORDER TO ENFORCE THE COURT'S 1999 REMEDIAL ORDER AND SETTLEMENT AGREEMENT** to the following:

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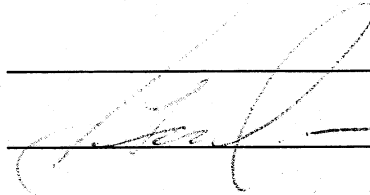
5/20/04
~~April 14, 2003~~

**CHILD WELFARE LEGISLATIVE
OVERSIGHT PANEL
2002**

PER DIEM

SEN. D. EASTMAN

SEN. G. DAVIS



5/20/04
~~Apr 14, 2003~~

**CHILD WELFARE LEGISLATIVE
OVERSIGHT PANEL
2002**

PER DIEM

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David Litvack

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